

Initiated Ordinance & Charter Amendment Process in Columbus City Charter



Overview

- The sections of the Charter that pertain to initiated actions by petition are as follows
 - Sec. 42: Petitions for initiated ordinance, referendum, recall, charter amendment
 - Sec. 43: Initiated Ordinance
 - Sec. 44: Referendum
 - Sec. 45: Charter Amendments
 - Sec. 46: The Recall
- This presentation will focus on petitions that result in new Code and Charter.
- These updated sections are largely the result of the 2014 Commission's work

Section 42: Petitions...

- Sec. 42 establishes guidelines for petitions themselves used to initiate ordinances, charter amendments, recalls, and referenda
- It requires the City Clerk to produce petition templates for those that wish to initiate one of the aforementioned actions

Section 42 cont'd

- Petition forms - Sec. 42.2 outlines several requirements for forms, including:
 - May only contain one proposal, which shall not address multiple or unrelated subject matters or questions of law
 - Requires notice of any payment being provided to petition circulators
 - Requirements as to uniform font and color

Section 42 cont'd

- The petition committee shall consist of five qualified electors of the City (registered voters)
- The committee must file a copy of the petition with the City Clerk prior to circulation (pre-circulation copy), along with a statement declaring intent, if any, to compensate circulators.
- The Clerk then forwards the pre-circulation copy to the City Attorney and Council. The City Attorney then determines if it meets legal standards and notifies Council of the same.
- In the case of initiated ordinance and charter amendments, the committee has one year to gather signatures before turning in completed petitions (part-petitions) to City Clerk

Section 42 cont'd

- A petition shall be withdrawn from consideration by the city if the petition committee submits written notice to the Clerk of withdrawal, signed by a majority of the committee and notarized, prior to final action on the petition; and a petition shall be withdrawn from consideration by the electors if notice is submitted in like manner prior to the 45th day before the date of the election on which the subject of petition will be considered

Section 42 cont'd

- Within 10 days of receiving the part petitions, the Clerk shall have copies made of the petitions, and submit those to the Franklin Co. Board of Elections for validation of signatures, and to City Attorney to again determine legal sufficiency. In the case of a charter amendment, the Clerk takes the same actions *forthwith*.
- The Board of Elections has 10 days to report back to Clerk on the validation of signatures. Upon receipt of this and the City Attorney's determination, the Clerk sends both to Council *forthwith*

Section 42 cont'd

- **Sec. 42-11: Council action by ordinance**
- Council action on a petition for any proposed ordinance, referendum, or charter amendment shall be by ordinance. No city officer may consider the subject matter of a petition when determining the legal sufficiency thereof, except as required to assure compliance with applicable provisions of this charter, general laws of the state, or ordinance of council. Any petition and any signatures upon the part-petitions thereof found to be sufficient as provided herein shall be presumed to be in all respects sufficient, unless not later than forty-five days before the election, it shall be otherwise proven.

Section 42 cont'd

- An ordinance placing an ordinance or charter amendment on the ballot is not subject to the Mayor's veto or referendum
- If two or more proposals are approved or adopted at the same election, and the city council finds that any provisions of two or more are in conflict, the proposal receiving the highest number of votes shall prevail.

Section 43: Initiated Ordinance

- The power to initiate an ordinance by petition is hereby reserved to the people of the city of Columbus.
- Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to not less than 5 percent of the total vote cast at the last preceding regular municipal election for Mayor.

Section 43, cont'd

- Should an initiated ordinance have enough valid signatures to qualify for ballot, and City Attorney indicates legal sufficiency, the Clerk shall read a summary of the report into the record. Within 14 days, Council shall determine the sufficiency of the petition by ordinance. Should the council find such petition sufficient, it shall vote within 30 days to either adopt the proposed ordinance, or by ordinance forthwith submit the ordinance for a vote.

Section 43, cont'd

- The proposed ordinance shall be placed on the ballot of the next regular municipal election (primary or general) if one occurs between 60-120 days of Council's ordinance passage.
- If no regular election occurs in that period of time, Council shall, at its sole discretion, order the ordinance be placed on the ballot for either a special election, or the next occurring regular election.

Section 43, cont'd

- The proposed ordinance shall be placed on the ballot of the next regular municipal election (primary or general) if one occurs between 60-120 days of Council's ordinance passage.
- If no regular election occurs in that period of time, Council shall, at its sole discretion, order the ordinance be placed on the ballot for either a special election, or the next occurring regular election.

Section 43, cont'd

- Council shall provide a brief summary of the proposed ordinance within its ordinance to place on the ballot. Council may also, at its discretion, place arguments for and against the proposal within the ordinance. The ballot committee may also submit language in favor of the proposal. If Council includes these arguments, the language shall also be posted in all voting locations for the election.
- If such proposed ordinance be approved by a majority of the electors voting thereon, it shall become an ordinance of the city at the time fixed therein, or upon the completion of the official canvass of the election, whichever is later.

Section 45: Charter Amendments

- Proposed amendments to this charter may be submitted to the ballot by a 2/3 vote of the council (5 votes currently; 6 votes after 2023 elections) and such submission shall be by ordinance. Proposed amendments to this charter shall be submitted by the council forthwith upon a petition signed by electors of the city equal to not less than 10 percent of the total vote cast at the last preceding regular municipal election.

Section 45, cont'd

- Upon receiving the report from Board of Elections of enough valid signatures, the Clerk will read the report into the record. The council shall forthwith determine the sufficiency of the petition. Should the council find such petition sufficient, it shall forthwith by ordinance provide for the submission of such proposed charter amendment to a vote.
- The proposed amendment shall go on the next regular municipal election if passage of the ordinance was between 60-120 days prior to said election. If no regular election occurs in that timeframe, a special election must be held in that timeframe and the proposed amendment put up then for a vote.

Section 45, cont'd

- Same as with the initiated ordinance, Council must include a summary of the amendment in the ordinance they pass, and may include arguments for and against, which must be posted at all voting locations for the election.
- If such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed in the proposed amendment, or upon the completion of the official canvass of the election, whichever is later.

Questions or Comments?

Thank you!

THE CITY OF
COLUMBUS
CHARTER REVIEW
COMMISSION